

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF OPTOMETRISTS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

BETH ROSENBLATT, O.D.
LICENSE NO. OA 00507600

TO PRACTICE OPTOMETRY
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL ORDER OF
DISCIPLINE

This matter came before the New Jersey State Board of Optometrists upon information that the respondent has failed to complete fifty (50) credits of continuing education in approved optometry courses during the period of May 1, 2003 to April 30, 2005, as required for the 2005-2007 biennial license renewal pursuant to N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-4.5. Based upon information received and which the Board has reviewed, the following preliminary findings are made:

FINDINGS OF FACT

1. Respondent is an optometrist in the State of New Jersey and has been a licensee at all times relevant hereto.
2. On April 12, 2005 the respondent returned her completed application for renewal of license as an optometrist in the State of New Jersey. (Exhibit A, a copy of the renewal application is attached and made a part hereto.) and

3. The respondent affirmed on the renewal application for the 2005- 2007 renewal period that she will have completed the required continuing education by the period preceding the established renewal date of April 30, 2005.

4. On the 30th day of June, 2005, the Board of Optometrists initiated a random audit of renewal applications for the 2005-2007 period, asking licensees to submit proof with regard to the satisfaction of continuing education requirements for the biennial renewal period, i.e., fifty (50) credit approved hours which includes twenty-five (25) credits in general optometric education and twenty-five (25) credits in courses or programs classified as therapeutic pharmaceutical agents ("TPA").

5. On or about September 8, 2005 Respondent informed the Board she had not attained all of the 50 requisite continuing education credits by April 30, 2005 as required for renewal of her license to practice optometry because she was suffering from "severe, debilitating migraine headaches... and was "only practicing on a limited basis..." (Exhibit B is a copy of the respondent's letter attached to and made a part hereof.).

6. On September 12, 2005 the respondent submitted a letter from her medical doctor confirming that she is currently under care for chronic Migraine Headaches.

7. Respondent failed to submit proof to the Board of having completed 50 credit hours of continuing education. (Exhibit C is the continuing education tracking form attached and made a part hereof.)

CONCLUSIONS OF LAW

1. Respondent had not satisfied the requirements of N.J.S.A. 45:12-9.3 and N.J.A.C.

13:38-7.3 with regard to the completion of the appropriate number of approved continuing education credit hours and is therefore subject to sanctions pursuant to N.J.S.A. 45:1-21(h), failure to comply with the provisions of an act or regulation administered by the Board, which constitutes grounds for suspension or revocation of any certificate, registration or license, and grounds for sanction pursuant to N.J.S.A. 45:1-25.

2. Respondent attested to the completion of 50 continuing education credits by April 30, 2005 on the biennial renewal application but has submitted information indicating that she failed to obtain 22.5 of the requisite continuing education credits required for renewal of her license to practice optometry. Therefore, respondent is subject to sanctions pursuant to N.J.S.A. 45:1-21(b) has engaged in the use or employment of dishonesty, deception or misrepresentation, which constitutes grounds for the suspension or revocation of any certificate, registration or license, and grounds for sanctions pursuant to N.J.S.A. 45:1-25.

3. Respondent attested to on her renewal application that she did not have any medical condition that in any way impairs or limits her ability to practice optometry.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice Optometry in the state of New Jersey was entered on October 19, 2005 and a copy was served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the State Findings of Facts or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all

documents or other written evidence supporting respondent's request for consideration and reasons therefor. On October 26, 2005 the respondent submitted correspondence enclosing a payment in the amount of \$3,500.00 for the penalties imposed in the Board's previous Provisional Order of Discipline. Respondent further acknowledged that written documentation will be submitted in accordance with the time line set forth in the Provisional Order supporting completion of the outstanding continuing education credits.

Respondent's submission was reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. Thus, the Board acknowledged the receipt of the full amount of penalties imposed against the respondent and awaits receipt of the written submission supporting satisfaction of the outstanding continuing education credits within sixty (60) days of the filing date of this Final Order. The Board acknowledges receipt of written submission substantiating the completion of the outstanding 22.2 continuing education credits on or about December 7, 2005.

THEREFORE, IT IS ON THIS 21st DAY OF
ORDERED:

December, 2005,

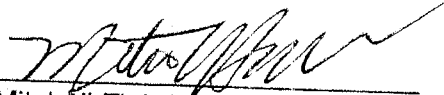
1. The Board acknowledges that the Respondent paid in full the civil penalty of three thousand five hundred dollars (\$3,500.00) pursuant to N.J.S.A. 45:1-25. This amount consists of \$ 2500.00 for violation of N.J.S.A. 45:12-9.3, N.J.A.C. 13:38-7.3 and N.J.S.A. 45:1-21(h) as evidenced by your failure to satisfy the continuing education requirements and \$1000 for violation of N.J.S.A. 45:1-21(b) for falsely affirming on the license renewal application that the continuing education credits were completed in full in the specified time frame.

2. Respondent submitted written proofs of having completed the requisite fifty (50) hours of continuing education credits within sixty (60) days of the date of the receipt of the Final Order. Thus, on or about December 7, 2005 the Respondent submitted additional proofs to support obtaining the twenty two and a half (22.5) continuing education credits that she was short. **These continuing education credits are NOT to be used to renew respondent's license for the 2007-2009 renewal period.**

3. Thus, the respondent's license to practice optometry shall remain in active status.

NEW JERSEY STATE BOARD
OF OPTOMETRISTS

By:



Mitchell Fink, O.D.
President